

Docket No. 500.38891VV2
Serial No. 10/092,565
October 7 2005

REMARKS

The objection to the Abstract as being too long, set forth in Item 1 on page 2 of the Office Action mailed April 7, 2005, is noted. The Examiner has required a new Abstract.

In view thereof, submitted as an Appendix herewith is a substitute Abstract, clearly less than the maximum permitted number of words. In view of the presently submitted substitute Abstract, it is respectfully submitted that the required correction in the Abstract has been made.

The obviousness-type double patenting rejections set forth in Items 3-5 on pages 2-4 of the Office Action mailed April 7, 2005, are noted. Also to be noted in the indication by the Examiner in Item 2 on page 2 of the Office Action mailed April 7, 2005, that the double patenting rejections can be overcome by a timely filed Terminal Disclaimer in compliance with 37 CFR 1.321(c).

Pursuant thereto, enclosed please find a Terminal Disclaimer, in connection with each of U.S. Patent No. 6,723,826, No. 6,590,062 and No. 6,458,916. Note that the enclosed Terminal Disclaimer includes the enforceability provision based on common ownership with respect to each of No. 6,458,916, No. 6,590,062 and No. 6,723,826; and terminally disclaims patent term based on No. 6,458,916, which issued from the earliest-filed application of the applications issuing as No. 6,458,916, No. 6,590,062 and No. 6,723,826. It is respectfully submitted that by terminally disclaiming patent term with respect to No. 6,458,916, the necessary disclaimer of patent term has been made, notwithstanding that No. 6,590,062 and No. 6,723,826 have not expressly been enumerated with respect to disclaimer of patent term.

It is respectfully submitted that the enclosed Terminal Disclaimer is in compliance with 37 CFR 1.321(c) with respect to each of the U.S. patents upon

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which the double patenting rejections are based in Items 3-5 on pages 2-4 of the Office Action mailed April 7, 2005, and that this Terminal Disclaimer is timely filed. Accordingly, it is respectfully submitted that the obviousness-type double patenting rejections have clearly been obviated.

The Terminal Disclaimer is being presently submitted in order to facilitate proceedings in connection with the above-identified application, so as to achieve earliest possible issuance of a U.S. patent based thereon. It is respectfully submitted that the filing of this Terminal Disclaimer does not constitute agreement with, or an admission as to the propriety of, the obviousness-type double patenting rejection; and does not constitute agreement with, or an admission as to the propriety of, arguments made by the Examiner in connection with the obviousness-type double patenting rejection.

The Information Disclosure Statement submitted May 4, 2005, in the above-identified application, is noted. It is respectfully submitted that this Information Disclosure Statement satisfies all requirements of 37 CFR 1.97 and 1.98 upon filing thereof, and consideration by the Examiner of the documents submitted therewith is respectfully requested.

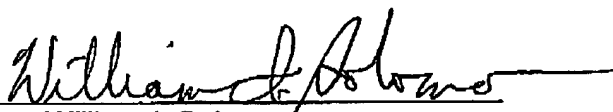
In view of the foregoing comments and amendments, reconsideration and allowance of all claims presently pending in the application, and passing of the above-identified application to Issue in due course, are respectfully requested.

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Applicants request any shortage of fees due in connection with the filing of this paper be charged to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (case 500.38891VV2), and credit any excess payment of fees to such Deposit Account.

Respectfully submitted,

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Attachments: Appendix (p. 27, Substitute Abstract-1 pg.)

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